

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY CORTEZ OLIVER,

Case No. 22-12104

Plaintiff,
v.

F. Kay Behm
United States District Judge

CORIZON HEALTHCARE INC., *et al.*,

Elizabeth A. Stafford
United States Magistrate Judge

Defendants.

_____ /

**ORDER ADOPTING AND ACCEPTING REPORT
AND RECOMMENDATION (ECF No. 28) AND TERMINATING
MOTION TO DISMISS WITHOUT PREJUDICE (ECF No. 21)**

Currently before the court is Magistrate Judge Elizabeth A. Stafford's March 30, 2023 Report and Recommendation. (ECF No. 28). Magistrate Judge Stafford recommends granting the motions to dismiss filed by Defendants Ames and Wellpath. *Id.* The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with the Magistrate Judge's recommended disposition. Therefore, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and

Recommendation (ECF No. 28), **GRANTS** the motions to dismiss (ECF Nos. 10, 15), and **DISMISSES** the complaint as to these Defendants.

Also pending in this matter is Corizon's motion to dismiss the complaint. (ECF No. 21). The court notes that this matter is automatically stayed as to Defendant Corizon, who has filed for bankruptcy. (ECF No. 26). Thus, the court takes no action on Corizon's motion. *McBride v. Canlas*, 2023 WL 2569119, at *1 (W.D. Mich. Mar. 20, 2023) (Because of the automatic stay in Corizon's bankruptcy proceeding, the court declined to address the report and recommendation as to any claims against Corizon); *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754, 756 (9th Cir. 1995) (Post-petition dismissal in favor of debtor violated automatic stay); *Pope v. Manville Forest Prod. Corp.*, 778 F.2d 238, 239 (5th Cir. 1985) (Entry of an order of dismissal violated automatic stay). Accordingly, based on the automatic stay and for purposes of docket efficiency, the court will **TERMINATE** Corizon's motion to dismiss (ECF No. 21) without prejudice.

SO ORDERED.

Date: September 20, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge